

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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AT 8:30

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WILLIAM T. WALSH, CLERK

JOHN M. AGNELLO [JA0338]

MELISSA E. FLAX [MF4060]

CARELLA, BYRNE, BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN

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(973) 994-1700

Attorneys for Defendants, Kenneth J. Harmonay, William J. Connors and Michael Eilert

W.R. HUFF ASSET MANAGEMENT	:	
CO., L.L.C.; WRH PARTNERS GLOBAL	:	
SECURITIES, L.P.; W.R. HUFF CM,	:	
L.L.C.; WRH PARTNERS II, L.L.C.; and	:	CIVIL ACTION NO. 06-5101(JLL)
ON THE GREEN, L.L.C.,	:	

**ORDER**

Plaintiffs,	:	
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v.	:	
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KENNETH J. HARMONAY; WILLIAM	:	
J. CONNORS; MICHAEL EILERT; et	:	
als.,	:	

Defendants,	:	
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and	:	
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KENNETH J. HARMONAY; WILLIAM	:	
J. CONNORS; MICHAEL EILERT;	:	

Defendants/Third Party Plaintiffs,	:	
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v.	:	
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WRH PARTNERS, LLC; HUFF LONG-	:	
SHORT, LLC, 1776 INVESTMENT	:	
PARTNERSHIP, LLC, 1776 CLO I,	:	
LTD.,	:	
OCTAHEDRON, LLC; MUSASHI, LLC,	:	
MANAGEMENT COMPANY 1-12,	:	
JOHN DOE 1-12 and INVESTMENT	:	
COMPANY 1-12,	:	

<u>Third Party Defendants</u>	:	
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THIS MATTER having been opened to the Court by Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein (John M. Agnello, Esq. and Melissa E. Flax, Esq. appearing), attorneys for defendants/third party plaintiffs and by Lowenstein Sandler, PC (Thomas E. Redburn, Jr., Esq. and Sheila A. Sadighi, Esq. appearing), attorneys for plaintiffs and third party defendants, and the Court having conducted a hearing on February 26, 2007 and for good cause shown;

IT IS on this 15 day of March, 2007;

ORDERED:

1. Plaintiffs' and Third Party Defendants' Motion to Dismiss Certain Counterclaims and Third Party Claims be and is hereby dismissed without prejudice. If the Court permits the motion to dismiss to be re-filed, the time period for filing the motion to dismiss set forth in Rule 12 of the Federal Rules of Civil Procedure shall be extended accordingly.
2. Plaintiffs' request to file a motion for partial summary judgment be and is hereby denied.
3. Defendants/Third Party Plaintiffs' request for leave to file a motion to amend the Third Party Complaint be and is hereby granted. The motion to amend the Third Party Complaint shall be filed on or before March 12, 2007. The motion shall be returnable on April 9, 2007.
4. No dispositive motions shall be filed until all discovery is completed. No other motions shall be filed unless prior Court approval is given.
5. Plaintiffs and Third Party Defendants' document requests Nos. 32-35 contained in the Second Request for Production of Documents and all other discovery relating to punitive damages be and is hereby stayed pending a trial on the issue of liability.
6. Counsel for Defendants/Third Party Plaintiffs shall review the Defendants' bank statements and other documents in Defendants' possession to determine if any such bank statements

and/or other documents show transfers of funds at any time up through and including October 23, 2006 that relate to Defendants' new employment. The portions of any such bank statements and/or other documents that show such transfers shall be produced to counsel for Plaintiffs.

7. Plaintiffs' proposed Confidentiality Discovery Order shall be worded to specifically provide that documents designated as "Highly Confidential" shall be disclosed to outside litigation counsel only. Documents designated as "Highly Confidential" shall not be disclosed to in-house counsel for Plaintiffs and/or Third Party Defendants.

**SO ORDERED:**  
**s/Ronald J. Hedges**

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HON. RONALD J. HEDGES, U.S.M.J.